

## **APPENDIX P –SEPA Compliance for Implementing Approvals**

### **Section 1.0 Project Envelope Defined**

### **Section 2.0 Implementing Approvals Defined**

### **Section 3.0 SEPA Process for Project Implementing Approvals**

### **Exhibit P-1 Mitigation Measures**

#### **1.0 Project Envelope Defined**

The Project and impacts analyzed in the Mitigated Determination of Non-Significance (SEP12-00001) Hillside Village Rezone, Comprehensive Plan Amendment and Development Agreement include all permitting, approvals, and construction that are part of the Project Envelope. The “Project Envelope” means and includes:

- A. Allowable Development within the Project area and construction of any combination of uses permitted in Appendix C (Land Use), at the maximum densities and intensities allowed under this Agreement subject to the following limitations;
  - a. PM Peak Traffic Trips may not exceed 809 without additional street improvements and/or mitigations; and,
  - b. Additional traffic review is required if before any of the following may occur:
    - i. Single-Family residential exceeds 100 units
    - ii. Multi-Family residential exceeds 600 units
    - iii. Non-residential exceeds 600,000 square feet
- B. Continued mining activity on the western property as authorized under Appendix M (Grading and Mining Standards);
- C. Property Administrator’s Authorized Modifications under Appendix L (Permitting);
- D. Project mitigations as identified in the Main body, excluding Section 2.8 (if constructed in the North Fork buffer), and this Appendix P;
- E. Project infrastructure including all water, sewer and stormwater facilities necessary to serve the Property; and,
- F. All off-site improvements outside the Hillside Village Property that are proposed as elements of the Project; or, that are required by the City or other governmental entity with jurisdiction in order to mitigate impacts of the Project that have been disclosed and discussed in the Project MDNS.

#### **2.0 Implementing Approvals Defined**

The Implementing Approvals for the Project mean and include any permit, license, or other approval issued by the City in order to develop the Project in accordance with this Development Agreement and that have been analyzed in the Project MDNS, including but not limited to: preliminary and final plats, grading and other site clearing approvals for the residential and nonresidential development, site development permits, installation of on-site and off-site infrastructure as described in this Agreement and the Exhibits, and building permits up to the maximums within the Project. These permits and approvals are collectively denominated “Implementing Approvals” for the buildout of the Project.

### **3.0 SEPA Process for Project Implementing Approvals**

Upon receipt of any application for an Implementing Approval within the Project, the City shall undertake SEPA compliance in accordance with SEPA, RCW 43.21C.031(1), and applicable SEPA implementing regulations, WAC Ch. 197-11, and IMC 18.10.010 through 18.10.330, and, to the extent not inconsistent with such laws and regulations, as follows:

#### **3.1 Step 1 – Project Envelope Determination**

The Designated Official shall determine if the requested Implementing Approval is within the Project Envelope. The Designated Official may request the applicant to provide reasonable information to the extent needed to determine whether the requested Implementing Approval is within the Project Envelope.

- A. If the requested Implementing Approval is so determined as being within the Project Envelope, then the existing Project SEPA Decision shall be utilized, the City shall issue a DNS in conjunction with the land use permit and no further SEPA checklist or threshold determination is required (*see* WAC 197-11-600(4)(a)):
- B. If the application is beyond the Project Envelope, then a threshold determination shall be required under Step 2 below.

#### **3.2 Step 2 – Threshold Determination**

If the requested Implementing Approval exceeds the Project Envelope, then the City shall prepare a new SEPA threshold determination, taking into account the existing Project MDNS and the governing Development Standards under this Agreement which address environmental mitigation for the Project. Any studies or other information requested by the City from the applicant shall relate only to those potential adverse impacts not adequately covered by the existing SEPA Decision. The City shall, to the fullest extent possible, issue a determination of nonsignificance (DNS) or a revised mitigated DNS (MDNS) if new information is presented. However, if a requested implementing proposal is believed to be a significant change and beyond the established Project Envelope, and is likely to cause potential significant adverse environmental impacts, a new Threshold Determination will be required. The City's approval of "Administrative Minor Modifications" under Appendix O (Permitting) shall not be deemed a significant change requiring any new SEPA threshold determination.

#### **3.3 Step 4 – Modified Development Standards**

If the new Threshold Determination discloses that additional mitigation is required to avoid imminent public health and safety hazards, then the Development Standards applicable to the Project may be modified pursuant to the procedure set forth in Appendix L (Permitting).

## Exhibit P-1 SUMMARY OF MITIGATION MEASURES

Mitigation Measures	Prior to Construction	During Construction	Post Construction
1. The MDNS does not replace the decision for the Severed Pit (PUB09/00141) or the DNR Permit Number 70-010113, those Mitigations measures are incorporated into this decision by reference. Following approval of the development agreement, the applicant shall update any non-City permits to reflect the approvals contained in this action.	√	√	√
2. Prior to the approval of any implementing Land Use Permits, the applicant shall submit a phasing plan to the Development Services Department for review and approval which clearly identifies that the proposed phase is viable as a project; and, that clearly describes the specific sequence of all construction activities necessary for the phase.	√		
3. Appropriate measures shall be taken to ensure that construction operations do not result in erosion and sedimentation impacts on water quality and on nearby drainage courses. The applicant shall comply with the City's TESC and wet weather construction requirements. At a minimum, erosion control measures shall include the installation of temporary and permanent erosion control improvements, and appropriate stabilization of filled and graded areas which are not immediately developed.		√	
4. Aside from permitted mining operations, no fine grading (setting road, installing retaining walls or setting building grades) shall occur in advance of an approved Land Use Permit		√	
5. BMPs, per DNR Permit Number 70-010113, will be incorporated into the continued mining activities on the western property to ensure no impacts occur to the Class 2 wetland or its buffer; or, the North Fork of Issaquah Creek or its buffer.		√	
6. The following condition previously applied to the severed pit shall apply to all hauling operations on Highlands Drive: <ul style="list-style-type: none"> <li>i. No truck trips will be allowed during the PM Peak hour;</li> <li>ii. Truck trips shall be limited to a maximum of 30 trips per hour; and,</li> <li>iii. No queuing shall be allowed.</li> </ul>		√	
7. Prior to the issuance of a demolition permit, the applicant must verify whether asbestos is, or is not, present in the site structure(s) to be removed. If asbestos is present, the asbestos must be removed and disposed of in strict accordance to guidelines established by the Puget Sound Air Pollution Control Agency and the Washington Department of Ecology.	√		
8. The applicant shall minimize impacts to existing roads and residents during grading and filling activities. Prior to the issuance of grading permits, the applicant must furnish a prepared route and schedule for hauling fill material to and from the site. If, in the opinion of the Development Services Department, such hauling will adversely impact the street network, additional hauling limitations to those described in Condition 6 may be applied.	√		
9. The City shall seek to ensure that land not be developed or otherwise modified in a manner which will result in or significantly increase the potential for slope slippage, landslide, subsidence or substantial soil erosion. Prior to approval of any development	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
plans (Land Use Permits) for any portion of the western property that will load the resulting engineered slope, the applicant will provide a geo-technical report to the City's satisfaction that the resultant property can support urban development. The applicant will pay for the City to conduct a double peer review of the study prior to its approval.			
10. Final grades for the western property should balance the quantity of import/export of soils with the urban design benefits of having a site with a positive relationship to adjacent streets (i.e. 9 <sup>th</sup> Avenue and High Street).		√	
11. The contractor shall be required to water the site, as necessary, to reduce dust emissions as a result of construction activity. The contractor shall also be responsible for sweeping of public streets which may become soiled as part of construction or hauling activities. These actions shall be governed as directed by the Development Services Department.		√	
12. Access to transit and non-vehicular system improvements will be provided as part of site designs.			√
13. Aside from the activity allowed through the mining provisions, all exposed soils will be revegetated within 3 months from completion of construction activities; or, after 6 months of inactivity. Revegetation of areas intended for development will include groundcover and plants to discourage the establishment of invasive species and add nutrients into the topsoil. Large regraded areas that are intended as green spaces will be revegetated with trees, shrubs and groundcover. A performance bond will be required with clearing and grading activities to ensure adequate revegetation occurs. The bond will cover subsequent enhancements to areas to meet the intent of this condition.			√
14. Stormwater improvements shall be in place prior to approval of implementing land use permits tributary to those facilities.	√		
15. With the development agreement, complete, and receive approval for a Master Drainage Plan (MDP), meeting SWM regulations, that defines uniform development regulations for the entire property. The MDP will provide imperious calculations and an evaluation of the potential impacts of infiltration (increase or decrease) on the North Fork Issaquah Creek and the Lower Issaquah Valley Aquifer.	√		
16. Prior to approval of any implementing permits for the western basin, perform additional monitoring, as necessary, to verify the infiltration assumptions used in the Checklist. Specifically, the level of treatment proposed will meet Ecology anti-degradation criteria in the aquifer (as measured at the property line), that long-term infiltration at the rates proposed will not create a nuisance on downstream property owners and, infiltration at the rates proposed will not create a groundwater mound that compromises the tertiary treatment capability of the in-situ soils.	√		
17. Prepare, and receive approval for, a long-term monitoring plan that measures potential impacts to the aquifer and an action	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
plan that mitigates those forecast impacts.			
18. Use the existing conveyance piping and City detention facilities as much as practical, assuming excess capacity exists, to minimize the size and impact of new facilities.		√	
19. Permanent stormwater detention and treatment facilities may not be combined with facilities serving the existing adjacent mining or processing operation without additional SEPA analysis.	√		
20. Design the stormwater conveyance facilities so there is minimal risk of an overflow or failure that discharges stormwater to steep slopes. This might include using curbed roadways as emergency conveyance/overflow routes or building redundant stormwater pipelines.	√		
21. To the maximum extent practical, use stormwater as a site design feature and community amenity. This might include surface streams or a waterfall that form organizing design elements or provide visual interest.		√	
22. Complete an analysis that reconciles site reclamation requirements as a result of a previous King County compliant reclamation plan and the hydro-geotechnical recommendations necessary to implement the proposed urban development. The analysis should examine and comment on any divergent technical information and propose methods to either comply with or modify the previous reclamation plan.	√		
23. Permanent stormwater facilities may not be used for TESC control unless the facilities are reclaimed to as-new condition after construction is complete.		√	
24. The applicant shall reduce the size of the stormwater detention ponds necessary to serve proposed development by a minimum of 30% through the use of Low Impact Development (LID) techniques. Dispersed infiltration should be pursued where stable.	√		
25. Prior to issuance of the permit for the western area stormwater facilities, consider removal of the abandoned structures from the North Fork buffer and provide vegetated restoration, as directed by a qualified professional. A Critical Area Study will be required to place a retaining wall in excess of 4 feet at the buffer edge for the pond(s). The Study shall address the impacts of this action, the amount of buffer to be disturbed, and the restoration. The plan shall identify appropriate goals and objectives for removing the structure and allowing the temporary, construction encroachments necessary for the stormwater ponds and the structure removal. In addition, the report will address monitoring requirements and how to measure the success of the critical area mitigation project.	√		
26. Consider providing an evaluation of the health of the North Fork corridor, as it is located on this project site. The report could identify water quantity and quality issues and include recommendations for improvements.	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
27. Prior to issuance of Building Permits, the proponent shall provide to the Responsible Official an operations and maintenance program for all public or private, shared storm water facilities including, but not limited to, conveyance, storage and treatment facilities. This program is to include procedures and a schedule for maintaining all shared or public storm water facilities and shall indicate the party or parties responsible for said maintenance. The program shall also include an agreement signed by all property owners utilizing the shared storm water facilities that they agree to abide by the operations and maintenance program. This agreement and program shall be attached, binding and running with the titles of the properties which utilize the shared storm water facilities.	√		
28. The applicant shall provide the City with an inspection and maintenance easement for any private storm drainage facilities. The easement shall be prepared and submitted for City review and approval prior to the issuance of permits to construct private facilities.		√	
29. The City shall seek to minimize surface water quality degradation and the sedimentation of creeks, streams, rivers, ponds, lakes and other water bodies; to preserve and enhance the suitability of such water bodies for contact recreation and fishing and to preserve and enhance the aesthetic quality of such waters by requiring the use of current Best Management Practices for control of stormwater and non-point runoff. No untreated stormwater from unclean surfaces shall enter the North Fork of the Issaquah Creek.		√	
30. Measures will be incorporated to ensure stormwater runoff does not increase water temperature of the North Fork of Issaquah Creek.		√	
31. Summer flows to the North Fork will be incorporated into the design of the Master Drainage Plan if it is determined to be beneficial.	√		
32. The purpose and intent of the following condition is to discourage the uncontrolled intrusion of humans into the North Fork and wetland area, provide a passive recreation opportunity and to ensure long-term protection. The following information and improvements shall be provided: <ul style="list-style-type: none"> <li>a. Prior to mining activities occurring within 100 feet of a wetland or stream Critical Area Buffer, the applicant shall install TESC and Orange Construction fencing to demark the edge of the critical area.</li> <li>b. Signs shall be installed and maintained as part of the critical area buffer perimeter. These signs shall indicate the critical area boundaries, the role in the ecosystem and restrictions related to the use of the area.</li> <li>c. The on-property critical areas shall be encumbered by a public open space, conservation easement granted to the City. The easement shall state that any uses within the easement shall be as approved by the Development Services Department. The uses shall be consistent with the critical area purposes and the general benefit to the public. Evidence that the easement has been recorded will be required.</li> <li>d. A vista point will be provided either adjacent to or within the</li> </ul>		√	√



Mitigation Measures	Prior to Construction	During Construction	Post Construction
eastern North Fork Buffer that will serve as the terminus of a community trail. If the point is in the buffer, Mitigation for the vista point will include replacement buffer at a 1:1 ratio and will not exceed 1,200 square feet without further SEPA review. The vista point will include fall protection as determined by the Designated Official.			
33. Except as provided for in Condition 37, all disturbed areas will be restored with native plants and guaranteed through a 3-year establishment period.			√
34. Provide a minimum of 12 inches of amended topsoil in all planting areas. Look for opportunities to incorporate salvaged plant material into natural planting areas.		√	
35. Provide a landscaped transition zone as a buffer between the Hillside Village and the mining operations to the west. Prior to the issuance of building permits for any structures in the western neighborhood, the applicant shall submit a professionally-prepared landscaping plan for review and approval by the Development Services Department. The plan will incorporate trees and vegetation to 1) meet the Design Guidelines incorporated into the development agreement; 2) partially or fully screen the mining industry from the structures above; and, 3) discourage the establishment of invasive species.		√	
36. Except as provided for in Condition 37, plant the transition zone between the Hillside Village and the mining operations to provide habitat for birds and small mammals. Remove or modify fencing that would block animal movements.		√	
37. Consider the incorporation of an exposed geologic amenity as part of the grading and revegetation of the hillside area.		√	
38. Incorporate green building materials and construction practices to reduce the energy needs of this development.		√	
39. Minimize the height or visual impact of exposed retaining walls.	√		
40. Incorporate pesticide and herbicide restrictions and sustainable practices into the CC&Rs.			√
41. A mix of land uses will be provided to reduce vehicular trips and promote walkability.	√		
42. Remove TESC and construction fencing within 3 months following construction or 1 <sup>st</sup> occupancy of any site.			
43. Land use densities will allow for more dense development proximate to the park-and-ride garage with lesser densities along the western portion of the site.			
44. Incorporate affordable housing into this project through development obligation; land set aside; or, through the payment of in lieu of fees to ensure additional affordable housing is made available in the community.			
45. Incorporate aesthetic requirements in the proponent's Architectural Guidelines (part of the development agreement) that consider off-site visual impacts.			
46. Limit height of buildings on the far-western portion of the site.			
47. Varied building materials, particular to the western neighborhood, shall be incorporated into the development agreement to create an interesting view of this reclaimed slope.			
48. All lighting shall be designed to minimize light spill and glare to			

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and from surrounding areas. Street lighting shall incorporate full cut-off fixtures. Illumination levels for streets will be designed according to the density of housing and commercial located in this area.	√		
49. To mitigate for the additional residents and employees to the area, the applicant will provide on-site recreational amenities and pay park impact fees.		√	
50. Should any items of potential cultural or historic significance be encountered during construction activities, work must be halted in an area large enough to maintain integrity and the State Office of Archeology and Historic Preservation and the Muckleshoot Indian Tribe, as appropriate, shall be immediately consulted.		√	
51. The applicant shall minimize impacts to existing roads and residents during hauling, grading and construction activities.		√	
52. The following voluntary measures will be incorporated into the development agreement and are expected to result in vehicle trip reduction from this project and City street network improvements: <ul style="list-style-type: none"> <li>i. Providing non-vehicular mobility opportunities throughout each neighborhood;</li> <li>ii. Providing non-vehicular connections to Issaquah Highlands neighborhoods;</li> <li>iii. Providing a non-vehicular connection to the valley floor;</li> <li>iv. Working with Port Blakely Communities to attain vehicular access to NE High Street, west of 9<sup>th</sup> Avenue;</li> <li>v. Providing improvements to the Highlands Drive pedestrian bridge to facilitate pedestrian more direct access to the Park &amp; Ride garage from the east neighborhood; and,</li> <li>vi. Providing transportation Fees or network improvements as determined in the Development Agreement.</li> </ul>			√
53. Elementary school age children will be part of an elementary school capture area with capacity, as determined by the Issaquah School District. School impact fees will be required.			√
54. The applicant shall pay appropriate impact fees for parks, police, fire, and general government services.		√	
55. All water improvements shall be in place, or guaranteed to the satisfaction of the Responsible Official, prior to issuance of land use permits relying on those improvements.	√		
56. All sewer improvements shall be in place, or guaranteed to the satisfaction of the Responsible Official, prior to issuance of land use permits relying on those improvements.	√		
57. Include an appendix in the development agreement to address protections and standards for continued mining operations and subsequent grading for development.	√		
58. Include design guidelines or considerations for the western property to account for noise emanating from the adjacent industrial use.	√		